

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re.

No. C 09-2032 MHP (pr)

DUANE DIXON,

ORDER OF DISMISSAL

Petitioner.

This action was opened when the court received from petitioner an in forma pauperis application. Upon receipt of the application, a notice was sent from the court to petitioner informing him that he had to file a complaint or petition within thirty days or the action would be dismissed. Petitioner then filed a motion for clarification or to correct erroneous filing, in which he stated that he was unaware of what documents he had forwarded to this court and therefore did not know why the notice had been sent to him. He also explained that he did not intend to file an action here, although he did not explain why he had mailed an in forma pauperis application to this court. Nonetheless, it does appear clear that petitioner did not want to file an action in this court. The motion for clarification or to correct erroneous filing is GRANTED. (Docket # 4.)

This action is dismissed because it was opened in error. The in forma pauperis application is DISMISSED. (Docket # 1.) No filing fee is due. The clerk shall close the file.

IT IS SO ORDERED.

Dated: May 27, 2009


Marilyn Hall Patel
United States District Judge